

11/10/00 Filed in Case

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
JOHN RICHARD JAE,

CIVIL No. 1:00-CV-00110

Plaintiff,

U.S. District Judge for
Magistrate Judge Smyce

vs.

DR. ROBERT CLARK, et al.,

Defendants.

FILED
HARRISBURG, PA

DEC 04 2000

MARY E. D'ANDREA, CLERK
Per. S Deputy Clerk

PLAINTIFF'S BRIEF IN OPPOSITION TO CORRECTIONS
DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO RESPOND
TO PLAINTIFF'S MOTION FOR ORDER ALLOWING PLAINTIFF
TO REVIEW AND COPY HIS PRISON PSYCHIATRIC/MENTAL
HEALTH RECORDS

Comes now, the Plaintiff & the Court in the above-entitled
civil action, John Richard Jae, is a layman unlettered in the Art
Sciences of the Laws & Legal Procedures within the United States
and files his Plaintiff's Brief in Opposition to Corrections Defendants'
Motion for Enlargement of Time to Respond to Plaintiff's Motion for
Allowing Plaintiff to Review and Copy His Prison Psychiatric/mental
Records, herein, & who, avers, deposes & states:

On or About October 11, 2000, Plaintiff John Richard
Jae, filed & served his Motion for Order Allowing Plaintiff to Review
Copy His Prison Psychiatric/Mental Health Records, herein, along with his

Support.

On or About November 20, 2000, Corrections Defendants/Bureau
filed their Motion for Enlargement of Time to Respond.

Following Plaintiff's Review And Copy/HF
 Prison Psychiatric/Mental Health Records herein this case

This is Plaintiff's Brief In Opposition To such Motion Of Corrections
 Defendants

First of all, Corrections Defendants' claim that Plaintiff's Amended Complaint is moot because he has permanently transferred to the Special Management Unit at SCI-Greene is "not" true & "is" legally frivolous & contrary to federal law as the Plaintiff sued corrections Defendants herein this case not only for their recommendation that he be transferred to the SMU at SCI-Greene, but also because corrections Defendants have illegally found Plaintiff ^{guilty} guilty of Prison Misconducts Reports which were by and a part and a result of Plaintiff's serious mental health illness disease and for their placing & leaving the Plaintiff, who has a significant history of serious mental health illness disease, in the Prison's Restricted Housing Unit on punitive segregation from November 19, 1999, & thus, Plaintiff's Amended Complaint & Claims are "not" moot by law & corrections Defendants Motion To Dismiss Plaintiff's Amended Complaint on the ground of mootness "is" contrary to law & must be denied by this Court, as a matter of law.

Corrections Defendants' instant Motion For Enlargement of time, herein, "is" based upon their Motion To Dismiss Plaintiff's Amended Complaint on the ground of mootness, herein.

In Its Report And Recommendation of November 6, 2000, the Court, stated:

"We also note that on October 30, 2000 the plaintiff sent a letter to the court informing the court that his address has changed to the State Correctional Institution At Greene. If the plaintiff's transfer to the State Correctional Institution At Greene is not merely a temporary transfer, then his claims for preliminary injunctive relief against the defendants in this case, who work at SCI-Camp Hill are moot."

Given the above & foregoing, Plaintiff's damage claims against Corrections Defendants herein are "not" barred by 42 U.S.C. § 1997e.

Any claim by Corrections Defendants that this Court that plaintiff's damage claims of his Amended Complaint against Corrections Defendants is now mooted by his permanent transfer to SCI-Greene in Its Report And Recommendation of 11-16-00, is "an out and out lie" and "is" furthermore belied by this Court's 11-16-00 Report And Recommendation, herein this case.

Given the above & foregoing, herein, Corrections Defendants' Motion To Dismiss Plaintiff's Amended Complaint is denied. See U.S. Magistrate Judge Smyser's Report And Recommendation of November 18, 2000, herein, at 9-10.

on the ground of ambiguity, cannot, by law, be granted by this court.

The government documents privilege does not apply here. case by Federal law.

Corrections Defendants not the Secretary of Corrections will unnecessarily be burdened by having to respond to Plaintiff's Motion For Order Allowing Plaintiff to Review And Copy His Prison Psychiatric/Mental Health Records, given what the plaintiff states above.

Plaintiff's Motion For Order Allowing Plaintiff to Review And Copy His Prison Psychiatric/Mental Health Records, herein is not inconsistent with Department of Corrections Prison Policy DC-ADM#003.1.2.1. because of Pa. Department of Corrections Prison Policy Direct DC-ADM#003.1.2.1. Furthermore even if such motion is inconsistent with DC-ADM#003.1.2.1, so what, as Prison Policy of a State Department of Corrections does not supersede Federal law.

Plaintiff has stated in his Brief In Support of Motion For Order Allowing Plaintiff to Review And Copy His Prison Psychiatric ~~Health~~ Mental Health Records, at 2, need to review his prison psychiatric mental health records, such to submit as part of his relevant evidence in support of Brief In Opposition to Corrections Defendants Motion To Revoke In forma pauperis Status And To Defeat Filing of Responsive Pleading. Plaintiff's Amended Complaint & that unless this Court grants such motion, he will be unable to obtain any relevant evidence to file with his Brief In Support of Motion For Order Allowing Plaintiff to Review And Copy His Prison Psychiatric/Mental Health Records, at 3, for this.

unable to adequately defend against Corrections Defendants' Motion To Revoke Plaintiff's In Form Superior Status And To Defeat Filing Of Responsive Pleading To Plaintiff's Amended Complaint, and thus be denied his First Amendment Rights of "Adequate," "Effective," "Meaningful" access to the courts and his Fourteenth Amendment right due process of the law under the Constitution of the United States.

(W) HERETOFORE, based upon that stated & argued above, herein, as well as based upon that stated & argued in his Briefs of Motion For Order Allowing Plaintiff's Review And Copy His Prison Psychiatric Health Records, herein this case, & because Corrections Defendants' Motion To Dismiss Plaintiff's Amended Complaint On The Grounds That "must" by law be denied by this Court, and because such Prison Psychiatric/Mental Health Records "are" absolutely necessary to Plaintiff's Reply Brief In Opposition To Corrections Defendants' Motion To Revoke Plaintiff's In Form Superior Status And To Defeat Filing Of Responsive Pleading To Plaintiff's Amended Complaint, this Court should forthwith deny Corrections Defendants' Motion For Enlargement Of Time To Respond To Plaintiff's Motion For Order Allowing Plaintiff's Review And Copy His Prison Psychiatric/Mental Health Records and correct

3/ See Plaintiff's Brief In Support Of Motion For Order Allowing Plaintiff To Review And Copy His Prison Psychiatric/Mental Health Records, at 2.

Defendants should be ordered to respond to Plaintiff's Motion For order Allowing Plaintiff to Review And/or His Prison Psychiatric/Mental Health Records within fifteen (15) days of this Court's order denying the enlargement of time, herein this case.

RESPECTFULLY SUBMITTED

(S) ~~John Richard Jae~~
MR. JOHN RICHARD JAE,
Plaintiff and Pro Se Counsel

MR. John Richard Jae,
#BQ-3219
SQT-Green / gmu
175 Progress Drive
Waynesburg, PA 15370

Dated: 30th NOVEMBER 2000:

CERT. NO. 12-01-00-1000

CERTIFICATE OF SERVICE

I CERTIFY that on 12-01-00, I mailed to the persons listed below, true & correct carbon copies of each of the Plaintiff's Brief In Opposition, Corrections Defendants' Motion For Enlargement of Time To Respond To Plaintiff's Motion for and allowing Plaintiff to review and copy his Prison Mental Health Records and Plaintiff's Brief in Opposition to ~~the~~ Corrections Defendants' Motion to DISMISS Plaintiff's Amended Complaint on the Ground of MATRONS, by way of U.S. Prison Classmate, Repaid.

I certify that on 12-01-00 I gave to PRISON OFFICIALS here, the originals of Plaintiff's above same Briefs, for mailing to this Court.

I certify under penalty of perjury & pursuant to 28 U.S.C. § 1746, that the above, is true & correct:-

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55 Utley Drive
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Dated/Executed on:
1st DECEMBER 2000
At: Harrisburg, Pennsylvania:

(s) John Richard Ja
MR. JOHN RICHARD JA
Plaintiff and Pro Se Counsel